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STATUTORY INSTRUMENTS

1996 No. 2669

CHEMICAL WEAPONS

**The Chemical Weapons (Notification) (Amendment)
Regulations 1996**

<i>Made - - - - -</i>	<i>16th October 1996</i>
<i>Laid before Parliament</i>	<i>23rd October 1996</i>
<i>Coming into force - - -</i>	<i>31st October 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 23(1) of the Chemical Weapons Act 1996(a), hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Chemical Weapons (Notification) (Amendment) Regulations 1996 and shall come into force on 31st October 1996.

Amendment

2. In regulation 1 of the Chemical Weapons (Notification) Regulations 1996(b) after "1996" there shall be inserted "and shall come into force on 1st November 1996".

16th October 1996

Anthony Nelson,
Minister for Trade,
Department of Trade and Industry

(a) 1996 c. 6.
(b) S.I. 1996/2503.

1996 No. 3030

CHEMICAL WEAPONS

**The Chemical Weapons (Licence Appeal Provisions)
Order 1996**

Made - - - - - 2nd December 1996

Laid before Parliament 4th December 1996

Coming into force - - - 1st January 1997

The Secretary of State, in exercise of the powers conferred by section 20(4) of the Chemical Weapons Act 1996(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Chemical Weapons (Licence Appeal Provisions) Order 1996 and shall come into force on 1st January 1997.

Rules concerning the conduct of appeals

2. The model rules concerning the conduct of appeals set out in Chapter 1 of the Schedule to the Deregulation (Model Appeal Provisions) Order 1996(b) shall apply for the purposes of section 20(4) of the Chemical Weapons Act 1996 with the modifications set out in the Schedule hereto.

2nd December 1996

Anthony Nelson,
Minister for Trade,
Department of Trade and Industry

(a) 1996 c. 6.
(b) S.I. 1996/1678.

1996 No. 2503

CHEMICAL WEAPONS

The Chemical Weapons (Notification) Regulations 1996

<i>Made</i>	<i>1st October 1996</i>
<i>Laid before Parliament</i>	<i>2nd October 1996</i>
<i>Coming into force</i>	<i>1st November 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 23(1) of the Chemical Weapons Act 1996(a), hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Chemical Weapons (Notification) Regulations 1996.

Interpretation

2. In these Regulations—

“CAS registry number” means the Chemical Abstract Service registry number;

“discrete organic chemical” means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulfides and metal carbonates, which is identifiable by chemical name, by structural formula, if known, and by a CAS registry number, if assigned, excluding any Schedule 1, 2 or 3 toxic chemical or precursor;

“consumption” of a chemical means its conversion into another chemical via a chemical reaction and “consume” and “consumed” shall be construed accordingly;

“plant” means any premises containing one or more units;

“plant site” means an area containing one or more plants all of which are under the same operational control;

“premises” has the meaning given to it by section 10(3) of the Chemical Weapons Act 1996;

“processing” of a chemical means a physical process, such as formulation, extraction or purification, not involving the conversion of a chemical into another chemical, and “process” and “processed” shall be construed accordingly;

“production” of a chemical means its formation through chemical reaction and “produce” and “produced” shall be construed accordingly;

“PSF-chemical” means a discrete organic chemical containing the elements phosphorus, sulfur or fluorine;

“Schedule 1” means Schedule 1 to the annex on chemicals to the Convention;

“Schedule 1 toxic chemical or precursor” means a toxic chemical or precursor listed in Schedule 1;

(a) 1996 c. 6.

"Schedule 2" means Schedule 2 to the annex on chemicals to the Convention, which Schedule is set out for ease of reference in Part I of the Schedule hereto;

"Schedule 2 toxic chemical or precursor" means a toxic chemical or precursor listed in Schedule 2;

"Schedule 3" means Schedule 3 to the annex on chemicals to the Convention, which Schedule is set out for ease of reference in Part II of the Schedule hereto;

"Schedule 3 toxic chemical or precursor" means a toxic chemical or precursor listed in Schedule 3;

"synthesis" means the production of a chemical other than through the biological process of fermentation;

"tonne" means 1,000kg; and

"unit" means any equipment and/or machinery necessary for the production, processing or consumption of a chemical.

Notification to the Secretary of State

3.—(1) A person who is required to notify the Secretary of State pursuant to these Regulations shall give notice to the Secretary of State that he is such a person and provide particulars of his name, his address or in the case of a company the address of its principal or registered office, and the address of each plant site he operates.

(2) After any change in any of the said particulars the person shall give notice to the Secretary of State within 14 days.

(3) Any notice to be given by a person under paragraph (1) or (2) above shall be in writing and shall be sent by post or delivered to the Chemical Weapons Authority, Department of Trade and Industry, Kingsgate House, 66-74 Victoria Street, London SW1E 6SW.

Schedule 2 toxic chemicals or precursors

4.—(1) Subject to paragraph (3) below, a person shall notify the Secretary of State on or before 15th January each year if he has—

- (a) imported or exported in the previous calendar year, or
- (b) operated a plant site in which a plant has produced, processed or consumed during any of the previous three calendar years,

more than—

- (i) 1kg of a toxic chemical designated "*" in Part A of Schedule 2;
- (ii) 100kg of any other toxic chemical listed in Part A of Schedule 2; or
- (iii) 1 tonne of any precursor listed in Part B of Schedule 2.

(2) Subject to paragraph (3) below, a person shall notify the Secretary of State on or before 30th June each year starting with 30th June 1998, if he anticipates operating a plant site in which a plant will produce, process or consume in the next calendar year more than—

- (a) 1kg of a toxic chemical designated "*" in Part A of Schedule 2;
- (b) 100kg of any other toxic chemical listed in Part A of Schedule 2; or
- (c) 1 tonne of any precursor listed in Part B of Schedule 2.

If such production, processing or consumption in respect of a calendar year is planned after 30th June in the previous calendar year, the person shall notify the Secretary of State at least 45 days prior to the commencement of production, processing or consumption.

(3) A person need not notify the Secretary of State in respect of the production, processing, consumption, import or export of a Schedule 2 toxic chemical or precursor if it was or is to be contained in a mixture and constituted or will constitute 10% or less of the mixture by weight.

Schedule 3 toxic chemicals or precursors

5.—(1) Subject to paragraph (3) below, a person shall notify the Secretary of State on or before 15th January each year if he has—

- (a) imported or exported during the previous calendar year any Schedule 3 toxic chemical or precursor; or
- (b) operated a plant site in which the plants have together produced during the previous calendar year more than 30 tonnes of a Schedule 3 toxic chemical or precursor.

(2) Subject to paragraph (3) below, a person shall notify the Secretary of State on or before 30th June each year starting with 30th June 1998, if he anticipates operating a plant site in which the plants will together produce in the next calendar year more than 30 tonnes of a Schedule 3 toxic chemical or precursor. If such production in respect of a calendar year is planned after 30th June in the previous calendar year the person must notify the Secretary of State at least 45 days prior to the commencement of production.

(3) A person need not notify the Secretary of State in respect of the production, export or import of a Schedule 3 chemical or precursor if it was or is to be contained in a mixture and constituted or will constitute 10% or less of the mixture by weight.

Discrete organic chemicals

6.—(1) Subject to paragraph (2) below, a person shall notify the Secretary of State on or before 15th January each year if he has operated a plant site in which —

- (a) the plants have together produced by synthesis in the previous calendar year more than 200 tonnes of discrete organic chemicals; or
- (b) any plant has produced by synthesis in the previous calendar year more than 30 tonnes of PSF-chemicals.

(2) A person need not notify the Secretary of State about any plant site in which the plants have exclusively produced explosives or hydrocarbons.

1st October 1996

Anthony Nelson,
Minister for Trade,
Department of Trade and Industry

STATUTORY INSTRUMENTS

1996 No. 3030

CHEMICAL WEAPONS

**The Chemical Weapons (Licence Appeal Provisions)
Order 1996**

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the provisions of the Chemical Weapons Act 1996 ("the Act") on 16th September 1996 with the exception of section 39, which came into force on Royal Assent.

The Act implements in the United Kingdom the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, which was signed in Paris on 13th January 1993 (Cm 2331).



1996 No. 2054 (C.47)

CHEMICAL WEAPONS

**The Chemical Weapons Act 1996 (Commencement)
Order 1996**

Made - - - -

3rd August 1996

The Secretary of State, in exercise of the powers conferred on him by section 39(1) of the Chemical Weapons Act 1996(a), hereby makes the following Order:

Citation

1. This Order may be cited as the Chemical Weapons Act 1996 (Commencement) Order 1996.

Appointed day

2. The day appointed for the coming into force of the Chemical Weapons Act 1996, except for section 39, is 16th September 1996.

3rd August 1996

Anthony Nelson
Minister for Trade,
Department of Trade and Industry

SCHEDULE

Article 2

MODIFICATIONS TO THE MODEL RULES CONCERNING THE CONDUCT OF APPEALS

1.—(1) In rule 1 in the definition of “enforcement action” for “has the same meaning as in section 5 of the Deregulation and Contracting Out Act 1994” there shall be substituted “means the refusal to grant, renew or vary a licence or the variation or revocation of a licence by the Secretary of State under section 20 of the Chemical Weapons Act 1996(a)”.

(2) In rule 1 there shall be inserted, in the appropriate place, the following definition—

““Irish proceedings” means proceedings in relation to an appeal which relates to matters arising in Northern Ireland;”.

2.—(1) In rule 6(1) for “and for Scotland” there shall be substituted “, for Scotland and for Northern Ireland”.

(2) In rule 6(2) at the end of sub-paragraph (a) “and” shall be omitted and at the end of sub-paragraph (b) there shall be inserted—

“and

(c) to the panel of chairmen for Northern Ireland, by the Lord Chief Justice of Northern Ireland from members of the Bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least seven years standing.”.

(3) In rule 6(3) after “the Lord Advocate” there shall be inserted “or in the case of the panel for Northern Ireland, the Lord Chief Justice of Northern Ireland”.

(4) In rule 6(6) at the end of sub-paragraph (b) there shall be inserted—

“and

(c) where the appeal relates to matters arising in Northern Ireland, from the panel of chairmen for Northern Ireland.”.

(5) In rule 6(9)(a) for “or the Lord Advocate,” there shall be substituted “, the Lord Advocate or the Lord Chief Justice of Northern Ireland,”.

3. In Rule 23 there shall be inserted at the beginning “Where both the appellant and the Authority agree,”.

4.—(1) In rule 29(1) after “Scotland” there shall be inserted “or in relation to Irish proceedings, in Northern Ireland”.

(2) In rule 29(6)(a) after “Wales” there shall be inserted “or in Northern Ireland”.

5. In rule 30(6)(a) after “Wales” there shall be inserted “or in Northern Ireland”.

6. In rule 31 for “must” there shall be substituted “may”.

7. In rule 32(5) after “Wales” there shall be inserted “or in Northern Ireland”.

8.—(1) In rule 33(2) after “Wales” there shall be inserted “or in Northern Ireland”.

(2) In rule 33(3) the words “to the sheriff” to “under these Rules,” shall be omitted.

(3) In rule 33(4) the words “, the sheriff” shall be omitted.

(4) Paragraph (6) of rule 33 shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order adopts the model rules concerning the conduct of appeals set out in Chapter I of the Schedule to the Deregulation (Model Appeal Provisions) Order 1996 (S.I. 1996/1678) for the purposes of section 20(4) of the Chemical Weapons Act 1996 (c.6) ("the Act") subject to the modifications specified in the Schedule to the Order.

By virtue of sections 19 and 20 of the Act no person may produce, use or have in his possession for a permitted purpose a Schedule 1 toxic chemical or precursor as defined in section 19(2) of the Act except under the authority of and in accordance with the terms of a licence granted by the Secretary of State. The Order sets out the rules which must be followed if a person wishes to appeal against a refusal by the Secretary of State to grant, renew or vary a licence or against a variation or revocation by him of a licence.

SCHEDULE

Regulations 2, 4 and 5

PART I

Schedule 2 to the annex on chemicals to the Convention

(CAS registry number)

A. TOXIC CHEMICALS:

- | | | |
|-----|--|-------------|
| (1) | Amiton: O, O-Diethyl S-[2-(diethylamino) ethyl]
phosphorothiolate and corresponding alkylated or protonated salts | (78-53-5) |
| (2) | PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene | (382-21-8) |
| (3) | BZ: 3-Quinuclidinyl benzilate (*) | (6581-06-2) |

B. PRECURSORS:

- | | | |
|------|--|--|
| (4) | Chemicals, except for those listed in Schedule 1, containing a
phosphorus atom to which is bonded one methyl, ethyl or propyl
(normal or iso) group but not further carbon atoms,
e.g. Methylphosphonyl dichloride
Dimethyl methylphosphonate
Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate | (676-97-1)
(756-79-6)
(944-22-9) |
| (5) | N, N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides | |
| (6) | Dialkyl (Me, Et, n-Pr or i-Pr) N, N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates | |
| (7) | Arsenic trichloride | (7784-34-1) |
| (8) | 2, 2-Diphenyl-2-hydroxyacetic acid | (76-93-7) |
| (9) | Quinuclidine-3-ol | (1619-34-7) |
| (10) | N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-
chlorides and corresponding protonated salts | |
| (11) | N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols
and corresponding protonated salts
Exemptions: N, N-Dimethylaminoethanol and
corresponding protonated salts
N, N-Diethylaminoethanol and
corresponding protonated salts | (108-01-0)
(100-37-8) |
| (12) | N, N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols
and corresponding protonated salts | |
| (13) | Thiodiglycol: Bis (2-hydroxyethyl) sulfide | (111-48-8) |
| (14) | Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol | (464-07-3) |

Note:

Schedule 2 must be read subject to the following proposition, which is based on a note in the Convention: where reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses must be taken to be listed in Schedule 2 as long as they are not explicitly exempted.

PART II

Schedule 3 to the annex on chemicals to the Convention

(CAS registry number)

A. TOXIC CHEMICALS:

- | | | |
|-----|-------------------------------------|------------|
| (1) | Phosgene: Carbonyl dichloride | (75-44-5) |
| (2) | Cyanogen chloride | (506-77-4) |
| (3) | Hydrogen cyanide | (74-90-8) |
| (4) | Chloropicrin: Trichloronitromethane | (76-06-2) |

B. PRECURSORS:

- | | | |
|------|--------------------------|--------------|
| (5) | Phosphorus oxychloride | (10025-87-3) |
| (6) | Phosphorus trichloride | (7719-12-2) |
| (7) | Phosphorus pentachloride | (10026-13-8) |
| (8) | Trimethyl phosphite | (121-45-9) |
| (9) | Triethyl phosphite | (122-52-1) |
| (10) | Dimethyl phosphite | (868-85-9) |
| (11) | Diethyl phosphite | (762-04-9) |
| (12) | Sulfur monochloride | (10025-67-9) |
| (13) | Sulfur dichloride | (10545-99-0) |
| (14) | Thionyl chloride | (7719-09-7) |
| (15) | Ethyl-diethanolamine | (139-87-7) |
| (16) | Methyl-diethanolamine | (105-59-9) |
| (17) | Triethanolamine | (102-71-6) |

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Chemical Weapons (Notification) Regulations 1996 (S.I. 1996/2503) ("the Principal Regulations") described certain persons who have to identify themselves to the Secretary of State as being persons on whom it is likely the Secretary of State will want to serve a notice under section 22 of the Chemical Weapons Act 1996 (c. 6).

These amendment Regulations provide that the Principal Regulations come into force on 1st November 1996.

65p

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations describe certain persons who have to identify themselves to the Secretary of State as being persons on whom it is likely the Secretary of State will want to serve a notice under section 22 of the Chemical Weapons Act 1996 (c. 6).

The United Kingdom is required to make declarations, in relation to certain chemicals and chemical production facilities, to the Organisation for the Prohibition of Chemical Weapons in the Hague pursuant to the terms of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Cm 2331), which was signed in Paris on 13th January 1993 ("the Convention"). By serving notices under section 22 the Secretary of State will be able to acquire the information he needs so that the United Kingdom can comply with the terms of the Convention.

Regulation 3 describes what a person has to do who is required to notify the Secretary of State pursuant to the Regulations.

Regulations 4 and 5 provide that a person has to notify the Secretary of State if he has carried out or plans to carry out certain activities in relation to chemicals listed in Schedules 2 and 3 to the annex on chemicals to the Convention in quantities in excess of specified threshold limits.

Regulation 6 provides that a person has to notify the Secretary of State if he has operated a plant site in which amounts of certain other chemicals known as discrete organic chemicals have been produced in quantities in excess of specified threshold limits.

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